



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/437,304	11/09/1999	FRANKLIN E. BOYER	UV-112	7797

7590 07/02/2002

G VICTOR TREYZ
FISH AND NEAVE
1251 AVENUE OF THE AMERICAS
NEW YORK, NY 100201104

EXAMINER

NGUYEN, QUANG N

ART UNIT	PAPER NUMBER
----------	--------------

2152

DATE MAILED: 07/02/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/437,304

Applicant(s)

BOYER ET AL.

Examiner

Quang N. Nguyen

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 December 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 and 4. 6) ☐ Other:

DETAILED ACTION

1. This Office action is in response to the Application No. 09/437304 and the IDS with References filed on 11/09/1999 and the Pre-Amendment A filed on 12/27/1999, and the Supplemental IDS with References filed on 04/25/2000.

Specification

2. The disclosure is objected to because of the following informalities:
- The description of the preferred embodiment on Page 24 Line 3, Page 26 Line 7, Page 28 Line 23, and Page 30 Line 28 "... web server 26 or 88 ..." should be "... web server 20 or 86 ...".
 - The description of the preferred embodiment on Page 27 Line15 "... actor Billy Bob Wilson" should be "... actor Jerry Seinfeld".
 - The description of the preferred embodiment on Page 29 Line 21 "In the example of FIG. 9b, ..." should be "In the example of FIG. 11, ...".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 5, 8-13, 16, 19-24, 27, and 30-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Schein et al. (US 6,388,714), herein after referred as Schein.

Referring to claims 1, 2 and 5, Schein discloses a system and method for providing television schedule information and for allowing a viewer to retrieve, initiate a subscription to, search, select and interact with information located in a remote database, computer network or on-line service, such as a network server on the Internet or World Wide Web (see Schein, FIG. 1, 2, 16A-17F, and respective portions of the specification). Schein discloses a system and method of providing the user with an opportunity to select at least one desired television genre from a plurality of available television genres, at least one desired television-related information source from a plurality of television-related information sources, at least one desired non-television-related information source from a plurality of non-television-related information sources, providing a grid of television program listings including program times, channels, titles, etc., and providing a region of non-television-related schedule information on the same web page including event titles (see Schein, C2: L20-67, C5: L50-65, C10: L66-67, C11: L1-38, C12: L48-67, C13: L1-7, C14: L56-67, C15: L1-63, C19: L51-67, and C20: L1-44).

Referring to claim 8, Schein discloses a system and method as in claim 5 above, further providing the user with an opportunity to select a plurality of lineups and at least one web page

Art Unit: 2152

containing television-related information for at least one of the plurality of lineups (see Schein, C6: L3-9 and C15: L13-30).

Referring to claim 9, Schein discloses a system and method as in claim 5 above, further providing the user with an opportunity to set up a plurality of display characteristics for the web page (see Schein, C16: L40-55, C17: L28-59 and C18: L18-27).

Referring to claims 10 and 11, Schein discloses a system and method as in claim 5 above, wherein the scheduling application is an on-line television program guide; providing the user with the opportunity to select the plurality of sources and at least one web site; and providing the web page containing the scheduling information based on the plurality of requests and obtained by the scheduling application and/or by the on-line television program guide at least in part from the selected plurality of sources (see Schein, C10: L24-38, L65-67, C11: L1-38, C12: 48-67, C13: L1-34, C14, and C15: L1-63).

Referring to claims 12, 13, 16, and 19-22, the on-line scheduling application system of claims 12, 13, 16, and 19-22 is similar to the method of claims 1, 2, 5, and 8-11 in their limitations. Thus, the on-line scheduling application system of claims 12, 13, 16, and 19-22 is considered for the reasons as stated in the discussions of claims 1, 2, 5, and 8-11.

Referring to claims 23, 24, 27, and 30-33, the on-line scheduling application system of claims 23, 24, 27, and 30-33 is similar to the method of claims 1, 2, 5, and 8-11 in their

limitations. Thus, the on-line scheduling application system of claims 23, 24, 27, and 30-33 is considered for the reasons as stated in the discussions of claims 1, 2, 5, and 8-11.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, 4, 6, 7, 14, 15, 17, 18, 25, 26, 28, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schein as applied to claim 1 above, and further in view of Bisdikian et al. (US 5,974,406), herein after referred as Bisdikian.

Referring to claims 3, 4 and 6, Schein discloses a system and method as in claims 1 and 5 above, delivering the television program listings and non-television-related schedule information to the user, but Schein is silent on the capability of using at least one delivery scheme from a plurality of delivery schemes consisting of continuous delivery, e-mail, pager/digital phone reminder, and pager/digital phone notification. In the related art, Bisdikian discloses a method and apparatus for providing customized notification in response to a search query received from a user who also selected a time and preferred means of notification (see Bisdikian, C2: L33-52, C3: L10-33, C4: L22-31, C5: L54-65, and C6: L15-48).

7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schein as applied to claim 5 above, and further in view of Buhrmann et al. (US 5,933,778), herein after referred as Buhrmann.

Referring to claim 7, Schein discloses a system and method as in claim 5 above, providing the user a reminder to watch the program, or an automatic reminder to the program guide to record the program (see Schein, C12: L30-38) but does not disclose of providing the user with an opportunity to setup a date book, and at least one web page containing scheduling information obtained by the scheduling application from the date book. In the related art, Buhrmann discloses a system and method for updating a telecommunication subscriber profile by entering personal information data comprising schedule data describing timed events (e.g., meeting times, appointments, etc.) and contact data describing user contacts (e.g., name, address, phone number, etc.) into a personal information manager (PIM); and for providing the subscriber call completion services and message reminder services based on the subscriber profile (see Buhrmann, C3: L42-67, C4: L1-52, C6: L43-52, C11: L34-67, C12: L1-17, L55-67, and C13: L1-10). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system and method of Schein and Buhrmann so as to provide the user with an opportunity to setup a date book, and at least one web page containing scheduling information obtained by the scheduling application from the date book since such scheduling applications were conventionally employed in the personal information manager systems.

Referring to claims 14, 15, 17, and 18, the on-line scheduling application system of claims 14, 15, 17, and 18 is similar to the method of claims 3, 4, 6, and 7 in their limitations. Thus, the on-line scheduling application system of claims 14, 15, 17, and 18 is considered for the reasons as stated in the discussions of claims 3, 4, 6, and 7.

Referring to claims 25, 26, 28, and 29, the on-line scheduling application system of claims 25, 26, 28, and 29 is similar to the method of claims 3, 4, 6, and 7 in their limitations. Thus, the on-line scheduling application system of claims 25, 26, 28, and 29 is considered for the reasons as stated in the discussions of claims 3, 4, 6, and 7.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to on-line schedule system with personalization features/profiles in general:

U.S. Pat. No. 5,855,006 to Huemoeller et al.

U.S. Pat. No. 5,973,683 to Cragun et al.

U.S. Pat. No. 5,988,078 to Levine.

U.S. Pat. No. 6,005,565 to Legall et al.

U.S. Pat. No. 6,061,719 to Bendinelli et al.

U.S. Pat. No. 6,205,485 to Kikinis.

U.S. Pat. No. 6,356,956 to Deo et al.

9. A shortened statutory period for reply to this action is set to expire THREE (3) months from the mailing date of this communication. See 37 CFR 1.134.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang N. Nguyen whose telephone number is (703) 305-8190.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark H. Rinehart can be reached on (703) 305-4815. The fax phone numbers for the organization is (703) 746-5485.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



**MARK H. RINEHART
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100**

Qn
June 25, 2002